

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 2802 of 2004

(ALOK PRATAP SINGH (DECEASED) IN REM Vs THE UNION OF INDIA AND OTHERS)

WP/1993/2004, WP/34550/2024, WP/41965/2024, WP/11957/2025, WP/24394/2025

Dated : 08-10-2025

Shri Khalid Noor Fakhruddin - Advocate for the petitioner.

Ms. Rachna Dhingra, present in person for petitioner.

Shri S.M. Guru - Deputy Solicitor General with Shri S.K. Patel -
Advocate for respondent No.1/UOI.

Shri H.S. Ruprah - Additional Advocate General for the respondent
No.2/State.

Shri Swapnil Ganguly - Advocate with Shri Vikram Johri - Advocate
for respondent No.3.

Shri Ravindra Shrivastava - Senior Advocate and Shri Kishore
Shrivastava - Senior Advocate with Ms. Shiraz Patodia, Ms. Divya Sharma,
Shri Kunal Thakre and Shri Ashish Singh - Advocates for the respondent
No.4.

Shri Ajay Gupta - Senior Advocate through video conferencing with
Shri Rajeev Mishra - Advocate for respondent No.6 and 7 in connected
matters.

Shri Avi Singh - Senior Advocate with Shri Shreyas Dharmadhikari -
Advocate and Shri Teerthesh Bharilya - Advocate for intervenor/BGIA.

Shri N. D. Jayprakash - Advocate through Video Conferencing for
intervenor.

Shri Hritvik Dixit - Advocate for petitioner in connected matters.

Pursuant to the order dated 31.07.2025, the State has filed an affidavit with regard to the steps taken for the containment of the residual ash resulting from the incineration of toxic waste from the UCI Factory site. However, no answer is forthcoming from the State with regard to an alternate location which this court had sounded on the last date of hearing, rather than the one that has been identified by the State which is admittedly only 500 meters away from human habitation. Earlier also this Court had voiced its apprehension of containing the residual waste proximate to human habitation, as the residual waste is still toxic in nature and if not contained properly, and God forbid, if the containment structure itself is breached collapses on account of a natural disaster like an earthquake, then it would be another disaster in the waiting.

This Court had directed the State to examine alternate sites for containment of the toxic ash. In this regard, the State may examine the alternate sites given in I.A. No.15 of 2025 and consider the feasibility of moving the toxic ash to such places which are far away from human habitation, vegetation and water source, so that even in the event of the containment collapsing, its ill effects are nil to minimal.

I.A. No.14607 of 2025 has been filed by the Intervenor, which discloses that the tests that have been conducted on the toxic ash still reveal the presence of mercury, which is higher than the permissible limits as disclosed in the Madhya Pradesh Pollution Control Board's Report dated 12.08.2025. The contentions put forth by the learned counsel for the State supported by an animated video presentation in order to impress upon this

court that the structure envisaged by the State for the containment of the toxic ash, barely five hundred meters from human habitation, being state of the art employing the most modern safety measures, does not satisfy this Court that the containment structure proposed is absolutely impervious to any kind of breach occasioned by unforeseen geo tectonic activity. The Ld. Counsel for the State has canvassed hard to make this court accept the containment facility at the present place on the ground that the science employed is infallible. However, in times when new roads are washed away in rains and bridges collapse and worse still, when railway overbridges are constructed with a right-angle turn, reducing this State to a laughingstock nationwide, reposing unflinching faith in the engineering prowess of the State maybe an invitation to disaster. The anxiety of this court should not be misconstrued as mocking the State but far from it, the caution being exercised by the court is the result of being once bitten, twice shy. The UCIL factory at Bhopal was safe, till disaster struck and nearly twenty thousand lives were snuffed out in an instant with five hundred thousand others suffering respiratory and vision issues for the rest of their lives. Thus, when it comes to the issue of containing the toxic ash, perhaps till Kingdom Come, no amount of caution is in excess. Therefore, the present containment site for the toxic ash in proximity to human habitation, is unacceptable to this Court.

Under the circumstances, the State is directed to file a report citing alternate sites for containment and also inform the court whether a global tender was floated in order to get the best technical expertise of Companies/Agencies, which may have unimpeachable technical prowess in

executing a work of this nature and having dealt with similar cases of containment of toxic chemical waste.

Let this be done on or before the next date of hearing.

List this case on 20.11.2025 under the same head.

(ATUL SREEDHARAN)
JUDGE

(PRADEEP MITTAL)
JUDGE

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